

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA BONELLI,  
Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION,  
et al.,  
Defendants.

Case No. [14-cv-02352-MEJ](#)

**THIRD ORDER TO SHOW CAUSE**

This case has been pending for nearly one year, yet the defendants have not been served in compliance with Federal Rule of Civil Procedure, despite several extensions of time in which to complete service. On November 14, 2014, the Court ordered Plaintiff Patricia Bonelli to show cause why this case should not be dismissed for failure to serve within the time required by Federal Rule of Civil Procedure 4. Dkt. No. 13. Having received Plaintiff's response and First Amended Complaint, the Court discharged the Order to Show Cause and ordered her to complete service by January 13, 2015. Dkt. No. 16. As there was still no indication that Plaintiff had completed service, the Court issued a second order to show cause on January 20, 2015. Dkt. No. 17. Plaintiff responded that Defendants were served on January 14. Dkt. No. 18. However, based on the certificate of service Plaintiff submitted, it did not appear that she complied with Rule 4's service requirements. Accordingly, the Court discharged the second order to show cause and ordered Plaintiff to complete service in compliance with Federal Rule of Civil Procedure 4 by March 5, 2015, and file proof of service by March 6, 2015. Plaintiff has failed to comply.

"If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

1 Despite previous extensions of time, Plaintiff has still failed to file proof of service of the  
2 summons and complaint in compliance with Rule 4. Accordingly, pursuant to Rule 4(m), the  
3 Court ORDERS Plaintiff to show cause, in writing and no later than April 6, 2015, why this case  
4 should not be dismissed for failure to serve within the time required by Rule 4(m). Notice is  
5 hereby provided to Plaintiff that the Court shall dismiss the case if no responsive declaration is  
6 filed by April 6. Thus, it is imperative that the Court receive a written response by the deadline  
7 above.

8 To ensure compliance with the requirements of service, the Court reminds Plaintiff that she  
9 may wish to seek assistance from the Legal Help Center, a free service of the Volunteer Legal  
10 Services Program, by calling 415-782-8982, or by signing up for an appointment on the 15th Floor  
11 of the Federal Courthouse in San Francisco, 450 Golden Gate Avenue, San Francisco, California.  
12 At the Legal Help Center, you will be able to speak with an attorney who may be able to provide  
13 basic legal help but not representation. More information is available at  
14 <http://cand.uscourts.gov/helpcentersf>.

15 As previously advised, the Court also recommends that Plaintiff obtain a copy of the  
16 Court's *Handbook for Litigants Without a Lawyer*, which is available free of charge in the Clerk's  
17 Office, or online at <http://cand.uscourts.gov/prosehandbk>. This handbook provides an explanation  
18 of the requirements for service.

19 **IT IS SO ORDERED.**

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21 Dated: March 23, 2015

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24 MARIA-ELENA JAMES  
25 United States Magistrate Judge  
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